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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,246	12/20/2001	Atilio Soldavini	024444-995	7107

7590 01/23/2004

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EXAMINER
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SCHLAK, DANIEL K

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 01/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/022,246

Applicant(s)

SOLDAVINI ET AL.

Examiner

Daniel K Schlak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 1-6 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 and 9-12 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

Claims 1-6 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Groups I and II, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 10.

### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The Examiner requests that the title have reference to the magnetic means.

The disclosure is objected to because of the following informalities: The last line of page 7 states "Said variable tension is utilized to control the electronic unit." No "tension" has been previously mentioned, and the term "tension" does seem out of place in a discussion of electromagnetic induction and electric signals. The Examiner could of course be wrong, but Applicant is nonetheless requested to check whether "tension" is or is not the desired terminology here.

Appropriate correction is required.

### ***Information Disclosure Statement***

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The information disclosure statements filed as papers # 4, 6, and 7 on 12/20/01, 5/21/02, and 7/3/03, respectively, are not present in the file wrapper. Further, the Examiner can find no electronic copy (file scan) of the statements, nor can the references submitted therewith be found.

However, the record on the face of the file wrapper clearly indicates that these three information disclosure statements were indeed entered into the application. Unfortunately the application has changed hands several times since such filings, and the only assumption can be that the submissions fell out of the file wrapper in transit.

Applicant is requested to file copies of the information disclosure statements, and if possible, copies of any foreign and/or non-patent disclosures, so that the Examiner may consider them. Without assistance from Applicant, the documents cited in the three information disclosure statements cannot be viewed by the Examiner and therefore will never be of record in this application.

Further, to assist the publications branch of the Office, it is also requested that the three information disclosure statements, if possible, be submitted together in one paper, with a cover sheet that says to some extent and in more or less words, "This submission is a replacement of papers numbered 4, 6, and 7, inclusive, and obviates all three said prior submissions, the re-submission being in response to an error within the Office." All fees corresponding to the submission will of course be waived. The Examiner apologizes on behalf of the Office for the inadvertent misplacement of documents. In applications with multiple information disclosure statements, the

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statements with their corresponding references often do not fit inside the file wrapper, and thus must be secured to the outside of the file wrapper.

### ***Claim Objections***

Claim 8 is objected to because of the following informalities: in line 2 of the claim, the recitation "a magnetic fields" does not agree with itself in tense. Either the word "a" must be removed, or the "s" at the end of "fields" must be removed.

Appropriate correction is required.

### ***Allowable Subject Matter***

Claims 7 and 9-12 are allowed.

The closest reference JP 64-48716, teaches means for creating a magnetic field which can be seen as functionally equivalent to the means of generating a magnetic field of the instant application. Further, the field is generated, in the reference, in response to a signal, which is either analog or digital, the two being interchangeable and digital being an obvious improvement of the analog in any case. However, claim 7 recites means for detecting the field and actuating the unloading device. In the reference, the means for detecting *is* the means for actuating, and therefore, as applicant has invoked 35 U.S.C. 112 6<sup>th</sup> paragraph, the means for detecting and actuating of the reference is/are in no way equivalent to the antenna-circuit-motor configuration which is the only embodiment of means for detecting and actuating disclosed in the application. In other words, the means for detecting and actuating in

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the reference is/are singular, integral, etc., while the means for detecting and actuating in the instant application is/are comprised of multiple units with entirely distinct functions, and therefore the means of the instant application and the means of the reference are not equivalent.

Claim 8 will be allowable when one of the two suggestions put forth in the objection thereof is effected.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Many of the cited references teach magnetic communication means between stationary units and railed vehicles. Many of the cited references teach the cross-belt configuration which use electromagnetic fields to transfer energy for propulsion from stationary elements.

This application is in condition for allowance except for the following formal matters:

Cancellation of non-elected claims, submission of information disclosure statements, objections to the specification, and a minor objection to claim 8.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

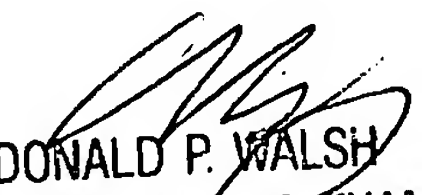
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel K Schlak whose telephone number is 703-305-0885. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on 703-306 - 4173. The fax phone number for the organization where this application or proceeding is assigned is 703-306-4195.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308 - 1113.

dks

  
DONALD P. WALSH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600